DOCUMENT RESUME

ED 346 951 PS 019 231

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TITLE Training Child Day Care Personnel: What Is the Appropriate Role for Licensing Agencies?
PUB DATE 90
NOTE 13p.; In: "Future Trends in Licensing: A Compendium of Papers", p77-88.
PUB TYPE Guides - Non-Classroom Use (055) -- Viewpoints (Opinion/Position Papers, Essays, etc.) (120)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Agency Role; Certification; *Child Caregivers; *Compliance (Legal); *Day Care; Delivery Systems; Early Childhood Education; Guidelines; *Teacher Education
IDENTIFIERS *Licensing Agencies (Day Care); Rules and Regulations; State Regulation; *Training Needs

ABSTRACT

The role of child day care licensing is examined in the context of expanding requirements for provider training. A brief background statement is followed by discussion of the training components of goals, content, and delivery systems. Discussion of the role of the licensing agency focuses on what counts as acceptable training, whether licensing staff should serve as training instructors, strategies encouraging compliance and facilitating enforcement, and principles that should guide enforcement. It is concluded that: (1) qualified child care staff must be retained; (2) professional development of individuals should be encouraged; (3) a training approval system which requires a special unit in the licensing agency must be designed; and (4) a comprehensive training system which prepares individuals to work competently with children regardless of setting should be designed in collaboration with other agencies. (RH)

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TRAINING CHILD DAY CARE PERSONNEL: What is the Appropriate Role for Licensing Agencies?

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This paper will begin to examine the role of child day care licensing agencies as rules expand to include provider training requirements. In light of current knowledge about training needs of child care personnel and the responsibilities of the licensing agency, critical issues to be explored will include a focus on the training itself in terms of goals, content, and delivery systems. Then a focus on the role of the licensing agency will address relationship issues and enforcement problems and procedures. Brief background information provides context for exploring the issues. The conclusion offers recommendations in the form of principles for developing rules or designing enforcement procedures and for collaboration with other agencies.

Relevant Background Information

During the last decade, the myth that child care is not educational in nature has begun to erode. The steady increase of mothers' participation in the work force seems to have shifted inquiry surrounding early childhood care and education from a set of "whether" questions to a set of "how" questions. That is, the questions are not so much about whether to use child care but about how to provide high quality care. In reality, there is no consensus that supplemental care is an acceptable substitute for mothers' care of young children or even that it is appropriate for mothers to be employed outside the home. On the other hand, acceptance of a mother's need or decision to work outside the home is more common and less guilt-ridden. However, that tolerance is based upon assumptions that child care options are available which are appropriate and good for children. With increasing numbers of young children in full-day group care arrangements, debates about custodial care versus early education and about quality and the effects of early childhood programs on later academic and employment success have accelerated and erosion of the myth that child care is for custodial care only has begun.

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Increasing concerns about the quality of out-of-home care for young children may be attributed to negative attention emerging from litigation in child molestation cases and/or occasions of epidemical spread of

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infectious disease in child care settings or even to labor force recruitment and operation problems. However, attention to quality issues may also be attributed to successful strategies of children's advocates to protect the developmental needs of children. Advocacy efforts have led to federal and state legislation increasing funding for direct services and for quality supports, called attention to the relationship between early childhood and later academic and employment success, and assailed perceived weaknesses in state regulatory systems. Additionally, the development and implementation of a national accreditation system for early childhood programs by the National Association for the Education of Young Children has increased public awareness and solidified concepts of quality by identifying measurable and observable indicators of high quality.

In the wake of these trends, many states have also reviewed and strengthened licensing rules for child day care. Phillips, Lande, and Goldberg (1990) have identified three dilemmae shaping the context of contemporary policy debates on child care regulation: "whether" the government should regulate, "who" should discharge this responsibility (i.e., federal or state), and "what" should be regulated. The question of "whether" reflects the fundamental question of whether children will be harmed if separated from mothers and fuels debate about public versus private responsibility for child rearing. Debates about federal regulation versus state regulation have emerged from comparative analyses which clearly reveal wide differences between states and even within states when some programs are exempt from regulation (Morgan, 1990; Phillips, Lande, and Goldberg, 1990). Given the lack of consensus on the "whether" and "how," controversy about "what" to regulate is inevitable.

Historically, licensing has focused on health and safety issues, and child care has been viewed in custodial terms and different from early education programs (Cahan, 1989). Morgan (1987) recognized that most states do not permit child care programs to be merely custodial and indicated that improving quality was the trend as states update requirements. Even though this trend may offer evidence of the erosion of the mythological distinction between part-day and full-day programs in terms of the developmental needs of children, the persistent pattern of exempting part-day programs from licensing perpetuates the myth. However, current discussions adding quality to health and safety as basic areas in which government is obligated to protect children in child care settings are conceptually consistent with most state licensing requirements. Those requirements are specified in rules and are generally expected to be observable or measurable and thereby amenable to regulation.

Enforcement of rules is facilitated by the language of the rules and necessitates objective and specific indicators. Rules which are designed to assure a basic level of quality generally focus on staff-child ratio, group size, and caregiver training. The first two items are visible and countable, easily monitored. Maintaining that pattern, many states have identified a number of clock-hours to specify the amount of training needed. However, the task of determining which hours to count or whether a certain activity or process is countable has not been clearly specified. The probability for inconsistent and/or inappropriate enforcement is unacceptably high even though the criterion appears to be quantifiable. In this particular area, defining specifics creates a new set of problems and calls for in-depth examination of several critical issues. Some of the issues are identified and explored below. However, the basic problem is a general failure to articulate goals, to carefully examine training needs and current realities in child care, and to design rules consistent with the goals and needs.

Recognition that quality is as basic to the protection of children as health and safety is clearly a positive step, one which recognizes developmental needs of children. There is considerable evidence in the research literature that the knowledge and competence of staff is the most important single variable affecting quality and that training is critical. However, qualified individuals must be recruited and retained in child care settings for training requirements to effectively improve quality. Licensing rules reflect the basic values and philosophy of the agency or authorizing body. When rules simply require 15 or 20 clock-hours of in-service training annually and fail to identify content or career development paths, the implication is that training has relatively low value. A recent study in Delaware offers an example of a planful approach to the training requirement, one which values both the people and the training (Brown, Costley, & Morgan, 1990). The issues explored below identify some of those necessary for a planful and goal-directed approach to implementation of provider training requirements.

The Training

The central purpose of the training requirement is to improve the quality of care and education provided to young children in child care settings. Having acknowledged the importance of staff competence and that specialized training is necessary to work effectively with children, it is equally important to reduce staff turnover and retain qualified individuals in the field. Training only for the sake of compliance with new regulations will not achieve either goal and may be counterproductive. For staff to

commit to ongoing training which truly improves practice, they must find some reward for their efforts. Motivation to improve knowledge and skills is difficult to muster unless career advancement opportunities are visible and real. Therefore, training requirements should be correlated with options for advancement on a career ladder and salary increments. Training requirements should be correlated to previous training and experience and should permit and encourage progression from beginning to advanced levels of competence and responsibilities within each of several specified roles or positions. Rules should be stated in language indicative of that concept if not specifically worded to define the concept.

Whether or not the language of rules is specific about steps on the career ladder and training relevant to each level, the content of training must be relevant and the delivery system appropriately designed for adult learners.

Content of Training

Among early childhood experts, there is a strong agreement about the importance of a special core of knowledge needed by all who work with young children and about the content of that knowledge as well as appropriate delivery methods. Basic knowledge of child development and appropriate practice must be central to all training from the beginning through advanced levels. More specifically, training should include child growth and development, child guidance and group management, communication skills, health and safety, curriculum development and implementation, and professional issues. Experience working with children is not an acceptable substitute for specialized training, nor is training alone sufficient. Experts strongly emphasize the need for practical experience in combination with training to assimilate knowledge (Brown, Costley, & Morgan, 1990).

Training Delivery Considerations

Among the people who work in child care there is a wide range of individual differences in background education and experience. For those who may have little or no previous formal training, non-traditional models which incorporate single session or seriated workshops and continuing education unit (CEU) training must be acceptable. Furthermore training provided outside the traditional classroom and outside the auspices of higher education may be more appealing and effective. The instructional climate must be non-threatening, on-site or on familiar turf, immediately

relevant and consistent with real life experiences, interactive and responsive to the schedule and physical needs of participants.

The Role of the Licensing Agency

There are several sets of questions which licensors must answer in order to enforce provider training requirements effectively and fairly. If the rules specify a particular training course (such as the "64 hour class" in Maryland) or set of courses and identify the delivery system, fewer enforcement questions ensue, but in many states the rules specify only the number of training hours and offer no parameters. Even when the specific course and instructional auspice are identified, questions related to individuals who have completed the required training may be similar to the questions below. Some of the issues are immediately apparent and others more subtle, but all require thoughtful and deliberate responses.

What is acceptable as "training?"

The first and most obvious set of questions related to training requirements for child care providers are those about what counts as training. For example, can training be provided only by an accredited institution of higher education or can conference workshops be counted? What about training provided on site by the program director or administrator? If the administrator can provide all the training, how should the licensing inspector differentiate between training and staff meetings? If an individual is taking college courses, are there certain ones which are acceptable or does any course count toward compliance with the licensing rules? If only certain courses count, who determines which ones are acceptable? If an individual selects less formal training, how does the licensor know that the training was valid or taught by a competent instructor? What about video tapes or correspondence courses? The questions are endless. Control of the content of training by the licensing agency becomes implicit if not explicit. Fairness requires that it be explicit, but then the licensing agency must get into the business of evaluating educational coursework. The decision making process can become very complex or the value of requiring training can be undermined.

In reality, licensing agencies are seldom equipped to evaluate educational coursework. Such tasks require expertise not generally available within the agency whose historical antecedents are in social work rather than eduction. This does not mean that social workers do not know what training is need or how to train but only that curriculum planning, research and evaluation, and instructional methodologies (the "stuff" of

education programs) are knowledge and skills necessary to the task. An equally critical problem to the licensing agency is the lack of staff time available to address the task which is major in terms of complexity and time necessary. In many cases, responsibilities continue to increase while staff are not increased. One or more full-time staff should be assigned the responsibility for directing the identification of core curriculum, review of current training opportunities to match curricular needs, specification of criteria to ensure instructional validity, design and procedures for monitoring compliance, and other critical components.

Whether emerging from a comprehensive approach as recommended or otherwise, a system must be created to determine appropriate content, what training experiences are acceptable, who qualifies as instructor, whether some or all training may be provided on site or by an on-site administrator or staff member, whether the same experience can be acceptable more that one time, whether excess hours can be carried forward, and what form of documentation is required to demonstrate compliance. Procedures similar to those recommended for drafting and reviewing rules which involve members of the provider and the training communities should be utilized.

Should licensing staff serve as training instructors?

Questions about conflict of interest may emerge when licensors serve as trainers. Licensors have typically provided training on regulations, licensing procedures and compliance issues for providers. In some cases, they may have provided training specific to program administration, curriculum design and implementation, or child development. The question of whether the person who has the authority to recommend issuance or denial of a license should also serve as trainer in areas outside the rules reflects the role dichotomy inherent to licensing. That is, the "police power" responsibility is incongruent with the helping relationship of teaching. Helping is generally more appealing, and licensing staff often have a need to demonstrate their gentle side and/or commitment to helping. Unfortunately, providers may not be able to tolerate the incongruity.

A general response appropriate to all situations is not feasible since there may be some cases when no one else is available or when instructional strengths and professional reputation of a particular individual are so strong that providers are clearly not threatened and benefits are measurable. However, in the great majority of cases, it is wiser for licensing staff not to train but to select other means of

developing positive and non-threatening relationships with providers. Lacking empirical research but based upon anecdotal evidence, it is clear that many providers will fail to question or explore alternatives or develop their own ideas when the instructor's authority extends beyond the classroom.

The most appropriate mechanism for permitting instruction by licensing staff to protect both licensor and provider from real or perceived conflicts of interest is through the local education institution or college. If an individual is qualified, applies for a part-time instructional position with the knowledge and permission of the licensing agency, and is selected, the threat is reduced. When and if a licensor does serve as instructor, care should be taken to offer a disclaimer to ensure that recommendations made during instruction do not carry the weight of expectations or requirements in practice. Licensors must be mindful that some providers may so wish to please or to ensure license approval that they may attempt to implement every recommendation. Instructors must encourage independence and creativity of approach and discourage providers from attempting to replicate their practice.

What strategies encourage compliance and facilitate enforcement?

It is always difficult for licensees to deal with regulatory changes, but this is especially true when training requirements are initially imposed. Notwithstanding budget implications, a requirement which intrudes on the outside time and energy of employees is difficult for employers to justify. This is particularly difficult in child care where low pay and low status offer little intrinsic motivation for personal investment. Furthermore, it is somewhat natural to resist external controls of livelihood or personal aspirations. The operator or licensee often feels obligated to assume the costs for training and may also choose to compensate the employee for time invested. The cost of staff turnover becomes far more burdensome and avoidance behaviors may become more frequent. This is clearly an instance when every effort should be made by the licensing agency to assist operators. When licensees understand and support the relationship between training and the quality of care they provide and when there are resources to support compliance, they are cooperative and enthusiastic about the training.

There are several important forms of assistance which are critical to a good beginning. Obviously taking the time to plan and make administrative policy decisions proactively rather than reactively can facilitate both compliance and enforcement. Planning should provide for

adequate lead time to allow licensees to prepare for compliance at a reasonable pace. This may include variable level "grandfathering" or stepwise phasing-in of the requirement. There is a wide range of individual differences among those people working in child care in terms of previous education and experience. Imposing the same requirement on all is not only individually inappropriate, but it also negates the very intent of the training requirement and will invite opposition. However, it is important to avoid separating personnel into camps of the educated and uneducated or excusing anyone from ongoing training and professional development.

Clear and uncomplicated communications must be disseminated through a variety of print and airwave media to ensure that providers know about and understand the requirements, have opportunities for questions and input regarding enforcement, and are informed about training opportunities available. Licensees and their staffs will respond in a far more positive manner if training opportunities are made available by the state or through private donations so that the training may be perceived as an opportunity rather than a burden. Opportunities for participation in planning and designing delivery systems and career ladder structures generate positive attitudes and genuine enthusiasm among providers.

What principles should guide enforcement?

The most important variable affecting enforcement of training requirements is probably the attitude and knowledge of the local licensor or inspector. When the people who work directly with providers are able to answer questions promptly, accurately, and consistently, the potential for provider anxiety or hostility is sharply reduced. It is critical for administrative heads and licensing inspectors alike to avoid beginning the enforcement process with notions that it will simply be a matter of counting the number of training hours recorded. There will be much confusion about whether the time recorded is valid training, and all sorts of different interpretations will be imposed--some of which may be contrary to the intent of the rule. That is, if the requirement is to make a difference or be worth enforcing, it will require careful planning and also training of licensing staff before implementation. On the other hand, no amount of planning and training of licensing staff can anticipate all questions or potential problems. Therefore licensing staff need to be fully cognizant of the general parameters and intent of the rules.

Other helpful guidelines for licensing staff include first the basic understanding of how the training requirement differs from other licensing requirements. Not only is it a quality variable versus a health or safety variable, but its quantifiability is both suspect and dependent upon a complex set of criteria. Counting children or adults is immediate or direct and not complicated by questions about whether a child is a child or something else the counter cannot see directly. Inspectors then must understand the impact on licensees of a rule not like most rules wherein compliance is essentially based upon the commitment of the licensee but one which requires commitment from other people, staff. The empathic support conveyed to the licensee by the licensor is particularly important in this area.

Secondly, the enforcement of any new set of rules or a rule which enters a new arena will require close oversight and periodic revision of procedures according to feedback received about effectiveness and fairness. In many cases, licensing staff participation in designing enforcement procedures will prevent adoption of totally unfeasible procedures, but periodic review will reveal needed adjustments and ensure continued adherence to agency guidelines for consistent application.

Finally, if the initial training requirement consists only of a number of training hours, periodic review of enforcement should also be used to assess training needs and think about career ladder structures. If some form of baseline data can be collected to permit measurement of participation rates and evaluation of effectiveness of the various training options available, the findings can be very useful in planning a comprehensive training system and future rule revisions. Most states know very little about the educational needs of the provider community beyond their assumptions based upon experience and inference from other data. The licensing agency is the most knowledgeable source and most assuredly should participate in planning systems for training and sharing needs data with education agencies and institutions even though the licensing agency is not charged with responsibility for providing the required training.

Conclusion

This paper has begun to address the problem of defining the appropriate role for licensing agencies in terms of training for child day care personnel. For those states which already have training requirements as well as for those planning to implement training requirements, the following principles for developing rules and enforcement procedures

should be helpful. Fundamental to each is the focus on the ultimate goal of ensuring a basic level of quality in all programs for young children, regardless of length of program day or administrative auspice, by requiring that individuals working with children have relevant training in specialized knowledge areas and appropriate practice. Guiding principles are:

1. **Qualified staff must be retained in child care.** Training to improve the quality of care provided for children will be effective only if those staff who are trained continue to work in child care and continue to participate in training and grow professionally. Therefore, rules and training systems must be designed which offer recognition and rewards for participants in the form of career advancement opportunities and improved salaries. The rules may incorporate career ladder structure by identifying positions for differing levels of responsibility and by specifying that training requirements be related to several levels of competency for each position.

2. **Professional development of individuals should be encouraged.** The purpose of training for the individual is to strengthen the knowledge and skills of that individual, not to meet the requirements for another person or entity to be granted a license to operate. In other words, the knowledge gained from training belongs to the training participant, and that person should be encouraged to be responsible for her own professional development according to her own career aspirations. When licensing requirements include training requirements without providing adequate resources for training and sufficient lead time to permit licensees to prepare for compliance at a reasonable pace, the focus shifts away from training to improve practice toward a focus on compliance for the sake of licensure. While the same results may be achieved, there is also great danger that training will not be matched to individual needs or career aspirations. Staff turnover problems could actually be increased and licenses unfairly jeopardized. At least initially, resources for training must be provided to support the requirement.

3. **A training approval system must be designed which requires a special unit in the licensing agency.** Assuming that training outside the traditional coursework offered by colleges and universities will be accepted, a system to approve or identify those other training opportunities as acceptable must be instituted. Failure

to carefully identify criteria for determining that a particular event constitutes valid training will indeed make it impossible to discount poor or invalid training. The criteria must include instructor qualifications as well as content and format issues. Again, adequate lead time and resources to support training must be present for this to be done effectively. Even if it is too late, the licensing agency must quickly design some mechanism for quality or "damage" control. This task is one which calls for education skills which, if not present in the licensing agency, must be sought. A professional position or unit within the licensing agency should be charged with this responsibility.

4. **Ultimately, a comprehensive training system which prepares individuals to work competently with children regardless of setting should be designed collaboratively with other agencies.** Care must be taken to collaborate with other agencies, particularly educational institutions, to plan appropriate training and to stimulate alternative career development paths and encourage reciprocity between and among training institutions as well as programs serving young children. Whether a person works in Head Start, the public school, or in a community-based child care setting, there is a common core of knowledge and skills needed. Likewise, whether a person gains knowledge in an informal workshop or university degree program, the knowledge is valid and should be acceptable. Training institutions should work with licensing agencies and public education agencies to design career ladder steps appropriate to all programs and mechanisms for granting credit for demonstrated knowledge and competence.

The knowledge and competence of those individuals who work with children in early childhood settings is the most important variable affecting the quality of the experience for children. Recognition of the value of training and requiring that staff be trained marks a significant improvement in efforts to protect children. Decisions about the training itself and its potential impact require careful planning.

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